

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7432

BILL NUMBER: HB 1318

NOTE PREPARED: Apr 11, 2011

BILL AMENDED: Mar 10, 2011

SUBJECT: National Fingerprint-Based Criminal History Checks.

FIRST AUTHOR: Rep. Borders

FIRST SPONSOR: Sen. Waterman

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X GENERAL
DEDICATED
X FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- (1) Provides that on request of an individual who has applied for employment with a noncriminal justice organization or individual, the Indiana State Police (ISP) shall process a request for a national fingerprint-based criminal history check of the individual from the Federal Bureau of Investigation's National Crime Information Center. (Current law provides that on request of an individual who has applied for employment with a noncriminal justice organization or individual, the ISP shall process a request for a limited criminal history check of the individual.)
- (2) Prohibits certain individuals with mental illnesses from possessing a firearm, and establishes a procedure to remove this prohibition after the person is released from commitment or has completed treatment.

Effective Date: July 1, 2011.

Explanation of State Expenditures: (Revised) This bill may increase the workload of the Department of Correction (DOC) to the extent individuals with mental health or substance abuse adjudications petition the DOC for access to firearms (as opposed to handguns). Actual increases in workload are unknown, however any increase is expected to be small.

Explanation of State Revenues: (Revised) The provisions of the bill that allow individuals with former substance abuse or mental illness adjudications to request access to firearms (rather than just handguns) will make the state statute consistent with federal regulations. If the state were to attain compliance with these federal regulations, the state would be eligible for additional federal grants (See below regarding National Instant Criminal Background Check System Improvement Act funding). State revenue may increase to the

extent the state receives these federal grants.

(Revised) *Additional Information:* According to the ISP, the grant funding that is administered by the Federal Bureau of Investigation (FBI) for the National Instant Criminal Background Check System (NICS) Improvement Act Funding is a predetermined amount of funding that is distributed to applicant states that meet qualification requirements. Currently, Indiana does not meet the qualification requirements for these federal grants and has not previously applied for these grants. Under the bill, Indiana will be eligible to apply for these federal grant funds.

For FFY 2010, approximately \$20 M in federal grant funds were budgeted for the NICS Improvement Act. Eight states received these funds. The federal grant amount per state for FFY 2010 ranged between \$750,000 and \$6 M.

Explanation of Local Expenditures: (Revised) This bill may increase the workload of local courts to the extent individuals with mental health or substance abuse adjudications petition the court for access to firearms (as opposed to handguns). Actual increases in workload are unknown; however, any increase is expected to be small.

Explanation of Local Revenues:

State Agencies Affected: DOC, ISP.

Local Agencies Affected: Courts.

Information Sources: Captain Sherry Beck, ISP; Mark Carnell, ISP.

Fiscal Analyst: Bill Brumbach, 232-9559.